

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) CHARLES HOLMES, by Donett Holmes,	)	
Personal Representative, and (2) Donett	)	
Holmes, Individually,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. CIV-15-549-HE
	)	
(1) METROPOLITAN PROPERTY AND	)	
CASUALTY INSURANCE COMPANY,	)	
	)	
Defendant.	)	

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE**

COME NOW the attorneys of record for Plaintiff, Donett Holmes, Individually and as Personal Representative for the Estate of Charles Holmes, and the Defendant, Metropolitan Property and Casualty Insurance Company, and hereby stipulate and agree that the remaining claim in this action may be dismissed without prejudice with each party to bear her/its own attorney fees and costs.

On January 5, 2016, this Court granted Defendant's Motion for Judgment on the Pleadings [Doc. 13] as to all claims of Plaintiff Donett Holmes, Individually, against Defendant in this action, and as to the claims of Donett Holmes as Personal Representative for the Estate of Charles Holmes against Defendant arising from or relating to a motor vehicle accident involving Mr. Holmes that occurred on April 11, 2011, the "Payne" accident. [Doc. 31]. The Court denied defendant's Motion for Judgment on the Pleadings

as to the claim of Charles Holmes arising from or relating to a December 6, 2010 motor vehicle accident, the “Pollard” accident. [Doc. 31]. Due to the Court’s Order, the only remaining claim pending in this action is the claim of Charles Holmes relating to the “Pollard” accident.

The parties notify the Court that an Order entered on January 29, 2016 in an action styled *Donett Hendryx Holmes and Charles Holmes v. Theodocia L. Pollard and Metropolitan Property and Casualty Insurance Company*, case number CJ-2012-7600, in the District Court of Oklahoma County, State of Oklahoma, permits Donett Holmes as Personal Representative for the Estate of Charles Holmes to proceed with all claims of Charles Holmes arising from the “Pollard” accident. As the claim remaining in this action will be litigated in the State Court action, the parties herein stipulate that the action in this Court may be dismissed without prejudice.

Therefore, the parties jointly request the Court Clerk show this action as dismissed without prejudice pursuant to this stipulation.

Respectfully submitted,

/s/ Steven V. Buckman

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Company***